

Application No.: 10/071,325
Amendment Dated February 27, 2004
Reply to Office Action dated: January 27, 2004

Attorney Docket No.: TOK00-037

REMARKS

Claims 1-71 are pending and subject to an election requirement.

Responsive to the notice that the reply filed on November 10, 2003 is not fully responsive to the prior Office Action, Applicant hereby respectfully traverses this assertion by the Examiner. Specifically, as set forth in MPEP 809.02(a) and Form Paragraph 8.01, it is indicated that for a reply an election requirement to be complete, the species being elected must be identified and a listing of all claims readable thereon must be set forth. There is no indication therein that the response need assign claims to all the species groups with particularity, including those groups not elected. Once again, Applicant reiterates that species I, directed towards a facilitator for facilitating various management tasks concerning a fuel dispenser and its components, has been elected. Species I currently includes claims 2-5, 6-9, 10-13, 18, 20-22, 24-27, 28, and 29-71, such claims being generic thereto and/or readable thereupon.

Applicant respectfully continues to traverse the election requirement set forth in the previous Office Action and requests reconsideration thereof. The species definitions presented by the Examiner are broad and somewhat vague. As such, Applicant believes that several claims can meet some or all of such definitions. Therefore, more than claim 28 is generic to/readable upon all the claims. Applicant submits that claims 4, 10-13, 31-33, 36, 37, and 54-56 are also generic to/readable upon all the species. Accordingly, Applicants submit that only claims 1, 14-17, 19, and 23 are considered to be non-elected and withdrawn from consideration.

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As set forth above, the Examiner has provided no clear support for a holding that the claims associated with each of species II-IV (the non-elected species) must be identified. However, simply as a courtesy, a listing of the claims readable upon such species is provided herewith:

1. Species II: 1-13, 18-23, 24-27, 28, 31-39, 40-44, 45, 46, 48-51, 53-56, 62, 63, 65-70, and 71;
2. Species III: 1-16, 17, 18, 28, 29, 31-33, 36-39, 40, 45, 52-59, 61, 63, 66, and 70;
3. Species IV: 4, 10-13, 17, 25-27, 28, 31, 32, 33, 35-37, 47-50, 54-56, 64, 68, and 71.

Applicants submit that the restriction requirement dated September 29, 2003 and the supplemental Office Action dated January 27, 2004, have now been complied with fully and submit that an appropriate election of species has been made. Accordingly, Applicants hereby respectfully request that the claims of species I and those claims needed to be generic be examined on the merits.

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If the Examiner has any questions or comments that would speed prosecution of this case, the Examiner is invited to call the undersigned at 260/485-6001.

Respectfully submitted,



Randall J. Knuth
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RJK/mdc10

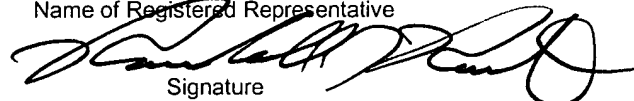
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on: February 27, 2004.

Randall J. Knuth, Registration No. 34,644
Name of Registered Representative



Signature

February 27, 2004
Date